

D/L. 13.
February 29, 2024.
MNS.

WPA No. 2094 of 2024

Damodar Valley Corporation
Vs.
The West Bengal Electricity Regulatory
Commission

Mr. Tilak Kumar Bose,
Ms. Vineeta Meharia,
Mr. Amit Meharia,
Mr. Arjun Mookherjee,
Ms. Paramita Banerjee,
Ms. Subika Paul,
Mr. Tamoghno Chattopadhyay

... for the petitioner.

Mr. Pratik Dhar,
Mr. Ritwik Pattanayak

...for the WBERC.

1. Affidavit-of-service filed in Court today be kept on record.
2. The innocuous prayer of the writ petitioner is that the West Bengal Electricity Regulatory Commission (in short "Commission") has not yet determined tariff for the 7th and 8th control periods that is, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 2025-26 and for subsequent control periods in terms of Section 62 of the Electricity Act, 2003 (2003 Act).
3. Learned senior counsel for the petitioner points out that in consonance with the impression given by the Commission, the Damodar Valley Corporation (DVC) has in fact

submitted an investment proposal, which has been approved by the Commission. However, as yet the tariffs have not been determined for the 7th and 8th control periods.

4. Learned senior counsel appearing for the Commission submits that the delay occasioned in determining such tariff was not deliberate on the part of the Commission.
5. Learned senior counsel indicates that due to certain developments in the meantime, where the Commission insisted upon an investment proposal being given by the DVC on certain aspects, which were given late, the delay occurred as such.
6. Learned senior counsel appearing for the petitioner controverts such allegation and submits that the Commission is bound by the statute to do so even without any investment plan.
7. However, even without going into the plinth of such allegations, which are basically extraneous to the prayers of the present writ petition, the issue at hand is that the Commission is required to determine the tariff for the 7th and 8th periods, to which the Commission does not have any objection in principle.

8. Accordingly, WPA No. 2094 of 2024 is disposed of. The Commission is directed to forthwith determine the tariff applications of the petitioner and determine the tariff for the 7th and 8th control periods, that is, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 2025-26 strictly in accordance with law, as expeditiously as possible.
9. There will be no order as to costs.
10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)